RECENT CASES

ADVERSE POSSESSION—EXTENT OF POSSESSION.—HOLLAND V. NANCE, 114 S. W. 346 (TEX.).—Where the owner of land in fencing, included by mistake a portion of an adjoining tract, and thereafter, on discovering his mistake purchased an alleged outstanding title to the adjoining tract, and recorded the deed and paid taxes on the entire tract from the time of recording, but continued to occupy and cultivate only the potion he had originally included by mistake, *held*, that limitations would not run as to that part of the tract not enclosed or occupied, though the recorded deed was for the entire tract.

It is the general rule that where a person, having a colorable title, enters upon land which is not in any adversary possession, his possession is deemed to be co-extensive with the boundaries as described in the writing or transaction which gives him colorable title to the land. *Donohue v. Whitney*, 133 N. Y. 178; *Barger v. Hobbs*, 67 Ill. 592. Actual possession of the whole tract is unnecessary provided there has been an entry upon and an actual possession of part of the tract. *Momgona Coal Co. v. Blair*, 51 Ia. 448. But some courts put a limitation upon the general rule to the effect that the actual occupancy of only a part of the tract under colorable title will give possession to the remainder provided it is naturally connected with, and adaptable to use with the part actually occupied. *Murphy v. Doyle*, 37 Minn. 113; *Thompson v. Burhans*, 61 N. Y. 52.

BOARD OF HEALTH—LIABILITIES.—VALENTINE V. CITY OF ENGLEWOOD, 71 ATL. 344 (N. J.).—*Held*, that the members of a board of health, acting in performance of a public duty under a public statute to prevent the spread of an infectious or contagious disease, are not personally liable in a civil action for damages arising out of their acts in establishing a quarantine, even where the disease does not exist, provided they acted in good faith.

Public policy demands that those to whom the public welfare is entrusted are not to be hampered in their work, which as a rule demands prompt action, by fear of civil proceedings against them as individuals and generally, therefore, health officers, if they are acting in good faith, are not held personally liable for errors of judgment, where they are afforded some discretion, either implied or express, under the statute under which they are acting. *Raymond v. Fish*, 51 Conn. 80; *Seavey v. Preble*, 64 Me. 120; *Rohn v. Osmun*, 143 Mich. 68. But where the statute under which the board is created gives only administrative powers the *personnel* of such board act at their peril, when destroying property or interfering with personal liberty, without an order of court, and they have been held liable for damages so caused. *Miller v. Horton*, 152 Mass. 540; *Lowe v. Conroy*, 120 Wis. 151. In either case they lay themselves open to an action for tort where negligent or acting in excess of their authority. *Hersey v. Chapin*, 162 Mass. 176; *Brown v. Murdock*, 140 Mass. 314; *Barry v. Smith*, 191 Mass. 78.